

Senate Bill No. 919

Passed the Senate August 29, 2005

Secretary of the Senate

Passed the Assembly August 15, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 11126.4 to the Government Code, relating to open meetings.

LEGISLATIVE COUNSEL'S DIGEST

SB 919, Cox. Meetings.

(1) The Bagley-Keene Open Meeting Act requires, with specified exceptions for authorized closed sessions, that all meetings of a state body be open and public and all persons be permitted to attend meetings of a state body.

This bill would authorize the California Gambling Control Commission to hold closed sessions, as specified, when discussing matters that are confidential pursuant to the Tribal-State Gaming Compacts.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would find that, in order for the California Gambling Control Commission to meet its obligation, as imposed by the Tribal-State Gaming Compacts, to maintain the confidentiality of trade secrets, nonpublic financial data, and other confidential or proprietary data and information, it is necessary that the commission meet in closed session.

The people of the State of California do enact as follows:

SECTION 1. Section 11126.4 is added to the Government Code, to read:

11126.4. (a) Nothing in this article shall be construed to prevent the California Gambling Control Commission from holding a closed session when discussing matters involving trade secrets, nonpublic financial data, confidential or proprietary information, and other data and information, the public disclosure of which is prohibited by law or a tribal-state gaming compact.

(b) Discussion in closed session authorized by this section shall be limited to the confidential data and information related to the agenda item and shall not include discussion of any other information or matter.

(c) Before going into closed session the commission shall publicly announce the type of data or information to be discussed in closed session, which shall be recorded upon the commission minutes.

(d) Action taken on agenda items discussed pursuant to this section shall be taken in open session.

SEC. 2. The Legislature finds and declares that Section 1 of this act imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order for the California Gambling Control Commission to meet its obligation, as imposed by the Tribal-State Gaming Compacts, to maintain the confidentiality of tribal information, it is necessary that the commission meet in closed session.

SEC. 3. The provisions of this act shall remain in effect after December 31, 2010, unless the Legislature acts to repeal these provisions.

Approved _____, 2005

Governor